

RECEIVED	
GCI LEGAL REGULATORY	
FILE COPY	1
SCANNED	3
GOVERNMENT	4
BONNIE	5
JULIE	6
Dana	
Alan	
Alex	
Carol	
Emily	
Jennifer	
Mark	
Jimmy	

APR 02 2004

STATE OF ALASKA

THE REGULATORY COMMISSION OF ALASKA

Before Commissioners:

Mark Johnson, Chair
Kate Giard
Dave Harbour
James S. Strandberg
G. Nanette Thompson

In the Matter of the New Requirements)
Of 47 CFR § 51 Related to FCC Triennial Review)
Order Interconnection Provisions and Policies) R-03-7

[REDACTED VERSION]

REPLY TESTIMONY OF EMILY THATCHER

My name is Emily Thatcher, and I am the Director – Regulatory Analysis of General Communication, Inc. (“GCI”). I submitted testimony in this proceeding on January 12, 2004. In that testimony, I described and demonstrated GCI’s impairment without access to unbundled switching in Fairbanks, Juneau, and Anchorage, particularly where GCI cannot access an unbundled loop at the central office and in spite of extensive facilities deployment in each of Anchorage, Fairbanks, and Juneau. I also recommended the “cross-over” point at which it is economic to provision multiple lines at a single customer’s premise over a DS1.

In this reply testimony, I respond to certain matters raised in the ACS Comments, the Affidavit of Howard Shelanski, the Affidavit of Stephen A. Pratt, and data provided by ACS of Anchorage, Inc., ACS of Alaska, Inc., and ACS of

1 Fairbanks, Inc. (collectively, "ACS") in response to Order No. 3. Specifically, the
2 ACS filings confirm that the analysis for impairment should take place at the ACS
3 central offices, or host, switches and that concentrator devices deployed throughout
4 ACS' network impair GCI's ability to serve the geographic areas served by such
5 devices. I also identify steps ACS could take, in addition to the continued
6 availability of unbundled mass market switching, to address the impairment it has
7 created. Though ACS has not addressed the cut-off analysis, I identify a number of
8 variables included in the "cross-over" analysis presented in my testimony and
9 describe how adjustments to these variables—particularly those within ACS'
10 control—would affect the cross-over point. Finally, with respect to transport and
11 high-capacity loops, I describe how the discovery responses demonstrate that none of
12 the triggers required for a finding of non-impairment are met.

13 **Switching Impairment Should Be Analyzed at the Central Office Level**

14 As detailed in my testimony, GCI has dedicated considerable resources—well
15 in excess of \$6 million—to the deployment of switching and collocation facilities in
16 each of Anchorage, Fairbanks, and Juneau.¹ GCI has collocated at each of the ACS
17 central offices in Anchorage (North, South, Central, East, and West), and at the
18 respective central office locations in Fairbanks (Globe) and Juneau (Juneau Main).²
19 GCI has also extended collocation facilities to certain remote facilities in each area:
20 Rabbit Creek and O'Malley in Anchorage; Greenwood in Fairbanks; and Sterling in
21

22 ¹ Testimony of Emily Thatcher, R-03-7 (filed Jan. 12, 2004) ("Thatcher Testimony") at 2-3.

23 ² See Exhibits ET-1 (Fairbanks), Revised ET-4 (Juneau), and ET-7 (Anchorage).

1 Juneau. Access to a customer line at the central office provides GCI access to the
2 loop. Access to a customer line at any other location provides GCI access to the sub-
3 loop. GCI should be able to serve every loop homed to a central office upon
4 collocation. However, even with collocations beyond the central office in each area,
5 there remain large pockets of geographic areas where ACS' network configurations
6 preclude GCI's access to loops at both host and remote collocation sites. GCI
7 estimates that ACS devices impede GCI's access to approximately 29 percent of the
8 loops in Fairbanks, approximately 52 percent of the loops in Juneau, and
9 approximately nine percent of the loops in Anchorage.³

12 The area served by an ACS host (Class 5) switch is the appropriate geographic
13 area for the RCA to assess impairment. As the ACS network data demonstrates,
14 customer loops are all homed to an individual central office. [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]

18 [REDACTED] As demonstrated in the attached schematic diagrams of the ACS network
19 for each system, the host switch is the point at which the customer loop originates
20 and where GCI should be able to reach the customer loop via its deployed switching
21 facilities. According to the FCC's definition, any transmission facility beyond the
22

23 ³ These figure are approximations based on the best information available to GCI. ACS has
24 declined to provide line count information with respect to the central office switches and
25 concentrator devices in its network, so GCI has relied on data provided to it by ACS for
26 2002 and applied a 2% growth estimate. Based on descriptive data provided by ACS
27 pursuant to a Non-Disclosure Agreement, it is evident that, in some cases, GCI has stale data
with respect to the current configuration of the ACS network.

1 host switch and toward the customer premises—for example, at a remote, DLC, or
2 OPM—is a sub-loop. As described below, for each host switch, there are two
3 relevant geographic markets for considering impairment: the geographic area served
4 by loops that are accessible at the host and the geographic area served by loops that
5 are not accessible due to the ACS network design.
6

7
8 **Few Concentrator Devices Deployed by ACS Permit Access to the Loops**
9 **They Serve**

10 ACS has deployed remotes, digital loop carrier systems (“DLCs”), and OPMs
11 (referred to together as “concentrator devices”) throughout its networks in each of
12 Anchorage, Fairbanks, and Juneau, as confirmed by ACS responses to discovery. As
13 I identified in testimony, access to the customer line may still be accomplished for
14 certain concentrator devices. Integrated DLCs that support multi-hosting allow a
15 second concentrated link to the CLEC switch over which specific loops may be
16 accessed. In addition, concentrators in universal mode afford GCI loop access at the
17 ACS switch. In comparison, however, other devices do not allow access to the loop
18 from the host office. For example, remotes combine the loops they serve into a
19 concentrated umbilical link to the host switch that does not permit access to
20 individual loops at the host office. Integrated DLCs do not have the capability of
21
22
23
24
25
26
27

1 splitting out an individual loop at the switch in the absence of multi-hosting
2 capabilities.⁴
3

4 In addition, access to loops served via deployed switching cannot be achieved
5 at certain locations where internal or external cross-connect panels or cabinets (in
6 lieu of a main distribution frame) will not support the termination of tie cables to a
7 collocated DLC. And even if the main distribution frame exists, it may not have
8 capacity for additional cross-connections or space to expand its capacity.
9

10 Finally, space constraints could impair GCI's ability to secure sub-loop access
11 via its switching where there is no space at the ACS concentrator device site for
12 either a physical or adjacent collocation. Some remotes or concentrators are housed
13 in small huts or buildings, which do not have space for cross-connection. ACS'
14 deployment of a concentrator device with any of these features—and lacking any of
15 the features that permit loop access—impedes GCI's access to the customer loop at
16 the host switch. In addition, I am unaware of any arrangement by which access to
17 sub-loops at an OPM (a remote switch module housed in an outdoor cabinet) can be
18 accomplished.
19

20 The features of each concentrator device deployed in Fairbanks, Juneau, and
21 Anchorage, respectively, are as follows:
22
23

24
25 ⁴ A concentrator is capable of multi-hosting when it is housed in a cabinet that allows for
26 cross-connect at the site. For these devices, GCI can establish a T1 link to the concentrator,
establish a GR-303 link to its own switch, and access loops through the GR-303 link.

Fairbanks

Exhibit ET-1, provided with my testimony, is a schematic representation of the ACS network in Fairbanks, showing the host switches, remotes and concentrators, and how they are linked or hosted. I have reviewed ACS' data provided in response to Commission discovery Question Nos. 5-10 and revised Exhibit ET-1 accordingly. Exhibit ET-13 demonstrates what ACS' data confirms—a pervasive lack of loop access throughout the Fairbanks service area, denying GCI access to approximately 29 percent of the loops.

ACS confirms that Fairbanks is served by [REDACTED]
[REDACTED]⁵ ACS also has deployed [REDACTED] remotes devices, including OPMs.
[REDACTED]
[REDACTED]⁶ There are [REDACTED] additional DLCs serving Fairbanks. Each of the [REDACTED] DLCs homed to GCI collocation sites are universal mode devices, permitting GCI access to lines served by those devices. The remaining [REDACTED] sit “behind” non-multi-hostable remotes or OPMs. As a result, even though [REDACTED] of the [REDACTED] are universal DLCs, GCI can only access a subset of the lines served even by universal-mode DLCs from its deployed collocations.

GCI is collocated at Globe and at the Greenwood remote. By comparing the geographic areas served by lines GCI can and cannot reach from these collocations, it

⁵ ACS Data Response Compliance Filing Pursuant to Order No. 3, R-03-7 (filed Mar. 19, 2004) (“ACS Data Response”), Exhibit 1 at 4.

⁶ These are [REDACTED]
[REDACTED]

1 is possible to map specifically where GCI is impaired without access to unbundled
2 switching. According to the network information provided by ACS, from the Globe
3 collocation site, GCI can reach the geographic areas served by lines homed to the
4 following devices: [REDACTED]
5

6 [REDACTED] From the Greenwood collocation site, GCI
7 can reach the geographic areas served by lines homed to the following devices:
8

9 [REDACTED]
10 These sites are depicted in white on Exhibit ET-13, and this geographic area is
11 generally depicted in green in Exhibit ET-10.⁷

12 Though GCI is collocated at the central office and a major remote, GCI still
13 cannot access any lines homed to the devices located at [REDACTED]
14

15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED] The sites with lines that cannot be accessed via
19 collocation at the wire center are visually represented on Exhibit ET-13 by the green
20 boxes, and generally on Exhibit ET-10 by the yellow-shaded area. GCI is impaired
21 without access to unbundled switching for the areas served by these loops. The ACS
22 data confirms that GCI is impaired with respect to the geographic area served by
23

24 ⁷ This exhibit was provided with GCI's discovery responses, filed on March 19, 2004.
25 Because ACS has not made the network data provided in response to discovery generally
26 available, this map was prepared based on similar information ACS had previously provided
27 to GCI.

remotes and concentrator devices that are not equipped to accommodate a new entrant.

Juneau

Revised Exhibit ET-4, provided with the GCI data responses, is a schematic representation of the ACS network in Fairbanks, showing the host switches, remotes, and concentrators, and how they are linked or hosted. I have reviewed ACS' data provided in response to Commission discovery Question Nos. 5-10 and reflected any additional or different information provide therewith in Exhibit ET-14 accordingly. Exhibit ET-14 demonstrates what ACS' data confirms—a pervasive lack of loop access throughout the Juneau service area, denying GCI access to more than 50 percent of the loops.

ACS confirms that Juneau is served by [REDACTED]

[REDACTED].⁸ ACS also has deployed [REDACTED] remotes devices, including OPMs.

None of these devices are equipped for multi-hosting. [REDACTED] have external cross-

connect panels.⁹ There are [REDACTED] additional DLCs serving Juneau. [REDACTED] of the [REDACTED]

DLCs homed to GCI collocation sites are universal mode devices,¹⁰ permitting GCI

to access the lines served by these devices. [REDACTED] DLCs are equipped for GR-303

multi-hosting. An additional [REDACTED] devices are Nortel Access Nodes using a

proprietary concentration protocol which ACS indicated were capable of multi-

⁸ ACS Data Response at Exhibit 1 at 6.

⁹ These are [REDACTED]

¹⁰ The exception is [REDACTED]

1 hosting. The [REDACTED] remaining universal mode DLCs sit "behind" non-multi-hostable
2 remotes or OPMs. Thus, GCI can only access a subset of the lines served from even
3 the universal-mode devices from its collocations.
4

5 GCI is collocated at Juneau Main and at the Sterling remote. By comparing
6 the geographic areas served by lines GCI can and cannot reach from these
7 collocations, it is possible to map specifically where GCI is impaired without access
8 to unbundled switching. According to the network information provided by ACS,
9 from the Juneau Main collocation site, GCI can reach the geographic areas served by
10 lines homed to the following devices: [REDACTED]
11

12 [REDACTED]. From the Sterling collocation site, GCI can reach the
13 geographic areas served by lines homed to the following devices: [REDACTED]
14

15 [REDACTED] These sites are depicted in white on
16 Exhibit ET-14, and this geographic area is generally depicted in green in Exhibit ET-
17 12.¹¹

18 Though GCI is collocated at the central office and a major remote, GCI still
19 cannot access any lines homed to the devices located at [REDACTED]
20 [REDACTED]
21 [REDACTED]
22

23 The sites with lines that cannot be accessed via collocation sites are visually

24 ¹¹ This exhibit was provided with GCI's discovery responses, filed on March 19, 2004.
25 Because ACS has not made the network data provided in response to discovery generally
26 available, this map was prepared based on similar information ACS had previously provided
27 to GCI.

1 represented on Exhibit ET-14 by the green boxes, and generally on Exhibit ET-11 by
2 the yellow-shaded area. GCI is impaired without access to unbundled switching for
3 the areas served by these loops. The ACS data confirms that GCI is impaired with
4 respect to the geographic area served by remotes and concentrator devices are not
5 equipped to accommodate a new entrant.
6

7 **Anchorage**

8 Exhibit ET-7, provided with the GCI data responses, is a schematic
9 representation of the ACS network in Anchorage, showing the host switches, remotes
10 and concentrators, and how they are linked or hosted. I have reviewed ACS' data
11 provided in response to Commission discovery Question Nos. 5-10 and reflected any
12 additional or different information provide therewith in Exhibit ET-15 accordingly.
13 Exhibit ET-15 demonstrates what ACS' data confirms—a pervasive lack of loop
14 access throughout the Anchorage service area, denying GCI access to approximately
15 nine percent of the loops.
16

17 ACS confirms that Anchorage is served by [REDACTED]
18 [REDACTED]
19 [REDACTED]¹²

20 ACS also has deployed [REDACTED] remotes, including OPMs. [REDACTED] can be multi-hosted.
21 [REDACTED] have external cross-connect panels.¹³ There are [REDACTED] additional DLCs serving
22 Anchorage. [REDACTED] of the [REDACTED] DLCs are universal mode devices and [REDACTED] are GR-303
23
24

25 ¹² ACS Data Response, Exhibit 1 at 1-2.

26 ¹³ These are the two [REDACTED] devices.

1 multi-hostable integrated DLCs,¹⁴ permitting GCI to access the lines served by these
2 devices. Of the [REDACTED] remaining, [REDACTED] are Nortel Access Nodes, which ACS
3 indicates are also multi-hostable, and [REDACTED] is not multi-hostable. Thus, there is a
4 subset of lines served by non-multi-hostable remotes and DLCs that GCI cannot
5 access.
6

7 GCI is collocated at North, South, East, West, Central, Rabbit Creek, and
8 O'Malley. GCI also has set up multi-hosting arrangements at Ridgemont,
9 Klatt/Johns, Sahalee, Sylvan, and Keno Hills, and is currently turning up Laurel. By
10 comparing the geographic areas served by lines GCI can and cannot reach from these
11 collocations, it is possible to map specifically where GCI is impaired without access
12 to unbundled switching. According to the network information provided by ACS,
13 from the collocation and multi-hosting sites, GCI can reach the geographic areas
14 served by lines homed to the following devices: [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]

20 [REDACTED] Also, although [REDACTED] is not reflected in the ACS data,
21 GCI is currently reaching this area through a multi-hosting arrangement. These sites
22
23
24

25 ¹⁴ The exceptions are [REDACTED]
26 [REDACTED]

1 are depicted in white on Exhibit ET-15, and this geographic area is generally
2 depicted in green in Exhibit ET-13.¹⁵
3

4 Though GCI is collocated at the five central offices and two major remotes,
5 GCI still cannot access any lines homed to the devices located at [REDACTED]
6 [REDACTED]
7 [REDACTED]

8 The sites with lines that
9 cannot be accessed via collocation at the wire center are visually represented on
10 Exhibit ET-14 by the green boxes, and generally on Exhibit ET-13 by the yellow-
11 shaded area. GCI is impaired without access to unbundled switching for the areas
12 served by these loops. The ACS data confirms that GCI is impaired with respect to
13 the geographic area served by remotes and concentrator devices are not equipped to
14 accommodate a new entrant.
15

16 Against this background, it is evident that there is no correlation between
17 GCI's retail market share and impairment, as ACS suggests. Though both witnesses
18 Pratt and Shelanski remark on GCI's retail gains as evidence of "no impairment,"¹⁶
19 the fact is that GCI could not serve many of these customers on its own facilities in
20 the absence of unbundled switching. And while ACS presents no data substantiating
21 any connection between retail market share and GCI's ability to access UNE-loops
22

23 ¹⁵ This exhibit was provided with GCI's discovery responses, filed on March 19, 2004.
24 Because ACS has not made the network data provided in response to discovery generally
25 available, this map was prepared based on similar information ACS had previously provided
26 to GCI.

27 ¹⁶ Affidavit of Howard Shelanski, R-03-7 (filed Jan. 12, 2004) ("Shelanski Affidavit") at 3;
Affidavit of Stephen A. Pratt, R-03-7 (filed Jan. 12, 2004) ("Pratt Affidavit") at 1-2.

1 homed to a particular central office, the network data does clearly demonstrate that
2 GCI uses ACS' switching because ACS has precluded GCI's use of its own
3 switching facilities to serve the customer.
4

5 Despite extensive investment in switching and collocation throughout the
6 Anchorage, Fairbanks, and Juneau study areas, GCI is unable to use its own
7 switching facilities to provision UNE-L when the individual customer copper loop
8 terminates in certain types of concentrators or in remote switches rather than at the
9 host switch or other remote site where GCI is collocated. When GCI has self-
10 provisioned switching, collocated at the host switch, and still cannot access the
11 customer loop, it is impaired.¹⁷
12

13 **Steps ACS Could Take to Provide GCI Access to Loops Via GCI Switching**
14 **Facilities**

15 GCI should not be required to collocate at every ACS switching device to
16 access customer lines at the sub-loop, a costly and difficult process. Instead, there
17 are a number of network adjustments that ACS could take to mitigate the impairment
18 its deployment of remotes and concentrators imposes upon GCI.
19
20

21
22 ¹⁷ Although GCI has not purchased UNEs in Eielson and Fort Wainwright, the availability
23 of UNEs should not be limited in these areas. The same failure to meet non-impairment
24 triggers for switching, transport, and high-capacity loops as described for Anchorage,
25 Fairbanks, and Juneau certainly applies to these areas as well. As ACS Exhibit 1
26 demonstrates, [REDACTED] of the remotes or concentrators in Ft. Wainwright is non-multi-hostable.
27 While Eielson is served by [REDACTED], there has been no determination made as to how
collocation might be accomplished there. As for transport and loops, there is no evidence of
alternative providers in either location.

1 First, when ACS installs a remote switch or DLC in an area where GCI
2 currently has access to unbundled loops, ACS could leave a sufficient number of
3 copper pairs available to GCI to continue providing service on unbundled loops
4 (effectively bypassing the remote switch or DLC). A sufficient number of copper
5 pairs would be that quantity of pairs necessary to meet the current requirements and
6 reasonable growth. The cost for this solution should be minimal, given that it would
7 simply require ACS to keep existing network facilities available for use when
8 deploying new devices in its network and that such facilities would continue to be
9 made available to GCI at the applicable UNE rates. If multiplexing is available at
10 the remote switch or DLC, another technical solution would be the availability to
11 GCI of enhanced extended links ("EELs")—a combination of UNE DS1s,
12 multiplexing, and UNE loops, which GCI could then connect to its own switching
13 facilities. However, this solution presents a number of operational challenges due to
14 the relative complexity of the loop circuits, which make this solution more practical
15 for a limited number of enterprise customers rather than for mass market customers.

16 In the case of a DLC deployment, ACS could deploy DLCs with multi-hosting
17 capability. With these devices, GCI has demonstrated that it can and does access the
18 loops via multi-hosting with a minimum of two T-1 circuits. Each of these network
19 design changes to permit loop access is available if ACS chose to adopt them where
20 it has an impeding concentrator device.

1 It would not be reasonable, however, to take an alternative approach, that is,
2
3 create the requirement for GCI to extend collocation to the sub-loop level in order to
4 make available to customers competitive facilities-based alternatives. GCI should
5 not be required to assume uneconomic additional costs beyond the typical costs for
6 collocation at any site to overcome impairment at the host switch. As described in
7 the Reply Testimony of Blaine Brown, the collocation requirements for each site are
8 unique, and the steps for identifying these requirements almost as numerous as the
9 potential combinations. And at some sites, collocation simply may not be possible
10 due to equipment limitations and space constraints.
11

12 For these reasons, unbundled local switching should continue to be available.
13 GCI faces exceptional sources of impairment in markets served by loops GCI cannot
14 access via collocations at the host switches. In addition, based on my review of the
15 network information available to GCI and ACS' past practices in connection with
16 securing collocation, GCI may face economic or operational barriers where the ACS
17 network design precludes collocation entirely or imposes collocation costs beyond
18 those that would be incurred via the termination of tie cables from an adjacently
19 collocated DLC at existing cross-connect panels and cabinets.
20

21
22 **Variables and Assumptions Required to Establish**
23 **The DS0/DS1 Cross-Over Point**

24 As described in my testimony, the FCC has determined that the "cross-over,"
25 or "cut-off," between mass market and enterprise customer loops is the point at
26

1 which it is economically feasible to lease or build a T1 connection to a customer
2 premise, aggregate multiple analog lines, and serve the customer using the CLEC's
3 own switch, in lieu of local circuit switching for individual DS0s.¹⁸ The point at
4 which the combined costs of the switch port, T1, customer premise equipment,
5 central office equipment, and customer service are less than the revenues associated
6 with the service over a certain number of lines is the "cross-over" point. Applying
7 the cost and revenue comparison in each of Anchorage, Fairbanks, and Juneau—and
8 based on the reasonable values I assigned to variables required for the analysis—I
9 determined that for Anchorage, the cut-off is 11; for Fairbanks, 8; and for Juneau,
10 19.¹⁹

11
12
13 To complete the analysis, a number of assumptions were required. First, in
14 assessing the least expensive provisioning configuration for each service area, I had
15 to assume that each of the possible provisioning options—purchasing UNE DS1
16 loops, purchasing private lines at retail rates discounted at current interconnection
17 agreement percentages, and using GCI's own network and collocation facilities—
18 would be available for the foreseeable future at the rates set forth in applicable
19 interconnection agreements or tariffs. For example, I assumed that a single UNE
20
21

22 ¹⁸ Thatcher Testimony at 14-15; *see also Triennial Review Order* at ¶ 451 (finding that at
23 some number of DS0s to an individual customer premise, "it becomes viable to aggregate
24 loops at a customer location and provide service at a DS1 capacity interface or higher.
25 Specifically, if a customer has purchased services from the competitive carrier that require a
26 DS1 or above loop, it is economically feasible to digitize the traffic and aggregate the
27 customer's voice loops at the customer's premises and put them onto a high-capacity
circuit.") (internal citations omitted).

¹⁹ The analysis is provided at Exhibit ET-9, attached to my testimony.

1 DS1 loop, obtainable at Globe, Greenwood, and Van Horn, could be used to reach
2 any location in Fairbanks, including the remotes and concentrators subtending those
3 wire centers. I assumed that a UNE DS1 loop could be purchased at East wire center
4 to reach a customer in the Elemendorf remote serving area. GCI sought confirmation
5 of these assumptions to verify the analysis, but ACS objected to the questions and
6 was not required to confirm that it would provide the facilities GCI identified in some
7 cases as necessary to self-provision, or the rate that would apply to ACS-provisioned
8 facilities under certain scenarios. I relied on information from ACS' tariffs and the
9 GCI/ACS interconnection agreements, but it would have been helpful for ACS to
10 confirm that it would not balk at provisioning certain facilities under the rates I
11 identified, were GCI to have to convert current mass-market UNE-P customers to a
12 business, T-1 provisioning arrangement.

13
14
15
16 Second, the analysis requires certain assumptions about the average revenues
17 generated on a per line basis. Such revenues include retail rates, access charges (both
18 interstate and intrastate), and, in some cases, universal service support. In the event
19 of changed circumstances or the determination that one or more assumptions was
20 incorrect, it could be necessary to reassess the cross-over point.

21
22 Because ACS has not filed any testimony on this matter to date, I am not
23 aware of any specific challenge ACS might raise to the analysis. ACS has generally
24 referred to four lines as being the appropriate cut-off point, because the FCC applied
25 it to the top 50 Metropolitan Statistical Areas ("MSAs") (as designated by

1 population) and because "Anchorage, Fairbanks, and Juneau are as competitive as
2 most, if not all, of those markets."²⁰ This claim however, does not appear to be
3 grounded in any analysis of the type required by the FCC. In fact, the original four-
4 line cut-off for mass market switching was expressly limited to the top 50 MSAs..
5 Based on the 2000 census, Anchorage was ranked number 143,²¹ and Fairbanks was
6 ranked number 422,²² so in my opinion, there is no reason to assume that the four-
7 line cut-off should be arbitrarily applied to Anchorage, Fairbanks, or Juneau, in the
8 absence of any FCC requirement to the contrary.
9
10

11 Transport

12 The FCC established two triggers to determine if carriers are impaired without
13 access to unbundled dedicated transport. Neither of these triggers has been met.
14 The first trigger, the transport self-provisioning trigger, requires that three carriers in
15 addition to the ILEC have self-provisioned transport terminating in a collocation
16 arrangement at the ILEC central offices.²³ This evidences that self-provisioning is a
17 practical solution for carriers on that route. GCI has self-provisioned transport
18 between a number of ACS central offices, but does not demonstrate that any other
19 carrier has. ACS correctly points out GCI utilizes fiber facilities as a cable television
20
21
22

23
24 ²⁰ ACS LEC's [sic] Objections to GCI's Requests for Discovery and Request for Additional
Information, R-03-7 (filed Feb. 6, 2004) at 2-3.

25 ²¹ <http://www.census.gov/population/cen2000/phc-t29/tab03a.xls>.

26 ²² *Id.*

27 ²³ *Triennial Review Order* at ¶¶ 400, 406.

1 provider.²⁴ This argument, however, does not generate any additional alternative
2 providers, which is what is required for a “no impairment” finding. The evidence
3 required by the FCC of multiple competitive carriers who have actually deployed
4 self-provisioned transport does not exist, and the trigger is not met.
5

6 The second trigger requires the state to find that carriers have the ability to use
7 two or more carriers in addition to the ILEC as wholesale alternatives to the ILEC’s
8 network on the route.²⁵ This trigger is also not met. GCI does offer DS1 and DS3
9 transport on its existing network between its collocation sites in the ACS central
10 offices, under its interstate, intrastate, and local tariffs. There is, however, no second
11 non-ILEC provider offering transport between ACS central offices to my knowledge,
12 and ACS has not even claimed that there is. Additionally, GCI does not offer dark
13 fiber in its tariffs, nor does GCI offer transport on its network to certain ACS offices
14 such as Girdwood and Indian where GCI is not collocated. The second trigger,
15 therefore, also is not met.
16

17 Contrary to ACS’ claims, the facts support continued availability of dedicated
18 UNE transport. GCI has leased DS3 and DS1 UNE transport between its switch and
19 the ACS switches in all three markets, prior to completing its collocation build-outs.
20 Although GCI has generally self-provisioned interoffice transport when it has
21
22
23
24

25 ²⁴ ACS Comments at 26.

26 ²⁵ *Triennial Review Order* at ¶ 409.

1 collocation facilities,²⁶ GCI does not have access to alternative transport facilities—
2 either provided by itself or another carrier—between other ACS wire center or switch
3 locations. Thus, continued access to unbundled dedicated transport should at least be
4 maintained between those ACS wire center and switch locations where GCI is not
5 collocated, such as Girdwood, Indian, and Lemon Creek. The continued availability
6 of UNE transport may provide a solution for accessing customers served by those
7 non-multi-hostable remotes, through the use of EELs. Denial of continued access to
8 dedicated transport under these circumstances would simply further contribute to
9 GCI's impairment with respect to use of its switching facilities.
10

11 **DS3 and Dark Fiber Loops**

12
13 The triggers established by the FCC for finding non-impairment without
14 unbundled DS3 and dark fiber loops have also not been met. Two triggers were set,
15 the first requiring that two unaffiliated non-ILEC providers use their own facilities at
16 a given customer location, the second requiring that two unaffiliated non-ILEC
17 providers offer wholesale service to CLECs at a given customer location. To my
18 knowledge, this trigger has not been met at any customer location in Anchorage. If it
19 can be demonstrated that one of the triggers is met at a particular customer site, it
20 will almost certainly be met in very few locations – certainly not to all customer
21 locations in the Anchorage, Fairbanks, and Juneau markets. In any case, the FCC
22 required a granular analysis of individual locations. To find that all CLECs are
23
24

25 ²⁶ See GCI Data Response, Exhibit GCI-6; GCI Supplemental Data Response, Exhibits
26 Revised GCI-7 and GCI-9.

1
2 unimpaired without access to DS3 or dark fiber loops at all locations in Anchorage,
3 Fairbanks, and Juneau, based on the current network deployment of GCI only,
4 wanders far beyond the specific requirements set by the FCC.
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

GCI Communication Corp.
2550 Denali Street, Suite 1000
Anchorage, AK 99503
(907) 265-5600

EXHIBIT ET-13

Contains Information Designated "Confidential" by ACS.

This Exhibit has been filed by separate cover under seal.

EXHIBIT ET-14

Contains Information Designated "Confidential" by ACS.

This Exhibit has been filed by separate cover under seal.

EXHIBIT ET-15

Contains Information Designated "Confidential" by ACS.

This Exhibit has been filed by separate cover under seal.